

Fee Copy

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 20, 2007

Name: John G. Rauch

Signature: *John G. Rauch*

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Appln. of: Missinhoun, Jean L., et al.

Appln. No.: 09/608,293

Filed: June 30, 2000

For: SYSTEM AND METHOD FOR PROVIDING A
MULTI-CHANNEL CUSTOMER
INTERACTION CENTER

Docket No: 10022/225

Examiner: Boyce, Andre D..

Art Unit: 3623

TRANSMITTAL

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is/are:

- ☒ Check for \$1,400 (Issue Fee); Transmittal Letter (in duplicate); Part B - Fee(s) Transmittal (in duplicate); Request for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(b) (in duplicate); and
- ☒ Return Receipt Postcard.

Fee Calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	OR	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee Payment:

- ☒ A check in the amount of \$1,400 is enclosed.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____ for _____.
A copy of this Transmittal is enclosed for this purpose.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

02/29/2008 CKHLOR 00000006 231925 09608293

Respectfully submitted,

01 FC:1455 200.00 DA

September 20, 2007
Date

John G. Rauch
John G. Rauch (Reg. No. 37,218)

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more than three (3) months after the mail date of the Office action; the delay of 92 days attributed to Applicant under 37 CFR 1.704(b), for filing a reply to the final Office action, mailed April 21, 2004, more than three (3) months after the mail date of the final Office action, or the delay of three (3) days for filing a reply to the non-final Office action, mailed January 11, 2005, more than three (3) months after the mail date of the Office action. Applicant also does not dispute the delay of 90 days attributed to Applicant under 37 CFR 1.704(b), for filing a reply to the final Office action, mailed June 15, 2005, more than three (3) months after the mail date of the final Office action, or the delay of 94 days attributed to Applicant under 37 CFR 1.704(b), for filing a reply to the non-final Office action, mailed February 27, 2006, more than three (3) months after the mail date of the non-final Office action.

Regarding the delay of 127 days attributed to Applicant under 37 CFR 1.704(c)(7), for filing the Response to Notice of Non-Compliant Amendment on January 3, 2007, after filing the response to the non-final Office action on August 29, 2006,

37 CFR 1.704(c) provides, in pertinent part, that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(7) Submission of a reply having an omission (§1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed;

The MPEP 2732 further explains that

37 CFR 1.704(c)(7) establishes submission of a reply having an omission (37 CFR 1.135(c)) as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. Submitting a reply having an omission requires the Office to issue an action under 37 CFR 1.135(c) and await and process the applicant's reply to the action under 37 CFR 1.135(c) before the initial reply (as corrected) can be treated on its merits. In addition, 37 CFR 1.704(c)(7) provides that in such a case the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed. The reference to 37 CFR 1.135(c) is parenthetical because 37 CFR 1.704(c)(7) is not limited to Office actions under 37 CFR 1.135(c) but applies when the Office issues any action or notice indicating that a reply has an omission which must be corrected: e.g., (1) a decision on a petition under 37 CFR 1.47 dismissing the petition as lacking an item necessary to grant the petition; or (2) a notice indicating that the computer readable format sequence listing filed in reply to a Notice to Comply with Requirements for Patent Applications Containing Nucleotide

Sequence and/or Amino Acid Sequence Disclosures (PTO-1661) does not comply with 37 CFR 1.821 et seq.

In this instance, Applicant filed a response (Amendment) to the non-final rejection, on August 29, 2006. However, the Amendment was non-compliant. Applicant was notified in a Notice of Non-Compliant Amendment. Applicant filed a supplemental reply in the form of an Amendment in response to the Notice of Non-Compliant Amendment, on January 3, 2007. Pursuant to 37 CFR § 1.704(c)(7) the patent term adjustment should have been reduced by one hundred twenty-seven (127) days for applicant delay, from August 29, 2006, to January 3, 2007, in filing a proper reply to the non-final rejection.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **two hundred fifty-seven (257) days** (727 days of PTO delay, reduced by 470 (64+92+3+90+94+127) days of applicant delay), subject to any terminal disclaimer.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is two hundred fifty-seven (257) days.

Applicant's deposit account has been charged the petition fee of \$200.00 fee set forth in 37 CFR 1.18(e), as authorized in the Transmittal Form filed with the petition.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions